

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM L. JOHNSON,)
Petitioner)
)
vs.) Civil Action No. 04-1639
) Judge Donetta W. Ambrose/
MARDIAN HUNSBERGER, Supt.;) Magistrate Judge Amy Reynolds Hay
THE DISTRICT ATTORNEY OF THE)
COUNTY OF ALLEGHENY; THE)
ATTORNEY GENERAL OF THE STATE)
OF PENNSYLVANIA,)
Respondents)

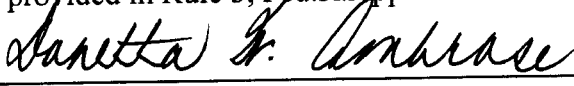
AND NOW, this 21st day of Dec, 2005, after the petitioner, William L.

Johnson, filed an action in the above-captioned case, and after an Amended Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, upon consideration of the objections filed by petitioner, and upon independent review of the record, and upon consideration of the Magistrate Judge's Amended Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the habeas petition filed by Petitioner pursuant to 28 U.S.C. § 2254 is dismissed for lack of subject matter jurisdiction as a "second or successive" petition;

IT IS FURTHER ORDERED that a certificate of appealability is denied;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



DONETTA W. AMBROSE
Chief United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

William L. Johnson
AJ-0613
SCI Lauren Highland
5706 Glades Pike
P.O. Box 631
Somerset, PA 15501-0631

Rusheen R. Pettit
Assistant District Attorney
Office of the District Attorney
401 Allegheny County Courthouse
Pittsburgh, PA 15219